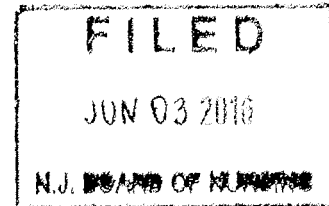


FILED

FEB 18 2016

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street, 5th Floor
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the State Board of Nursing



By: Shirley Dickstein
Deputy Attorney General
(973) 648-7093

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF	:	ADMINISTRATIVE ACTION
Aminata Barrie, C.H.H.A. Certificate No. 26NH08381600	:	PROVISIONAL ORDER OF DISCIPLINE
	:	<input checked="" type="checkbox"/> FINAL ORDER OF DISCIPLINE (Finalized by default on June 3, 2016 / 06/03/2016)
HOMEMAKER-HOME HEALTH AIDE IN THE STATE OF NEW JERSEY	:	

FINAL

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Aminata Barrie ("Respondent") is a certified homemaker-home health aide in the State of New Jersey and has been a licensee at all times relevant hereto. (Exhibit A).

2. Upon receipt of a complaint indicating that Respondent was intoxicated while caring for a client on December 18, 2014 while employed at Comfort Keepers, the Board sent a "Demand for Written Statement Under Oath" wherein Respondent was required to provide written responses to each of the questions set forth therein, to Respondent's address of record in Teaneck, New Jersey, via regular and certified mailings on or about June 16, 2015. A response was due within ten (10) days. The certified mailing was returned as "Not Deliverable As Addressed, Unable To Forward." (Exhibit B). The regular mailing was not returned.

3. On July 21, 2015, the Board sent another letter enclosing a "Demand for Written Statement Under Oath" to Respondent's address of record in Teaneck, New Jersey, via regular and certified mailings on or about July 21, 2015. A response was due within ten (10) days. The certified mailing was returned as "Not Deliverable As Addressed, Unable To Forward." (Exhibit C). The regular mailing was not returned.

4. To date, Respondent has not responded to the Board's Demand for Written Statement Under Oath.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

ACCORDINGLY, IT IS on this 18th day of February, 2016,
ORDERED that:

1. Upon the filing of a FINAL ORDER OF DISCIPLINE, Respondent's certificate to practice as a homemaker-home health aide will be suspended until such time as Respondent cooperates fully with the Board's investigation by providing the Board with the information requested in the Board's Demand for Statement Under Oath. Upon the filing of a FINAL ORDER OF DISCIPLINE, Respondent shall refrain from engaging in the practice as a certified homemaker-home health aide and shall not represent herself as a certified homemaker-home health aide, which includes but is not limited to performing delegated nursing regimens and nursing tasks delegated through the authority of a duly licensed professional nurse, until such time as her

certification is reinstated. Any practice in this State as a certified homemaker-home health aide prior to such reinstatement shall constitute grounds for a charge of unlicensed practice.

2. Upon the filing of a FINAL ORDER OF DISCIPLINE, Respondent shall within 5 (five) days, mail her certificate, wall and wallet version, to practice as a homemaker-home health aide to Twalema Khonje, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101.

3. Upon the filing of a FINAL ORDER OF DISCIPLINE Respondent is assessed a civil penalty in the amount of two hundred dollars (\$200). Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to Twalema Khonje, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of a FINAL ORDER OF DISCIPLINE. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

4. The within order shall be subject to finalization by the Board at 5:00 p.m. on the 30th day following entry hereof unless Respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

- a) Submitting a written request for modification or dismissal to Twalema Khonje, Board Staff, State Board of Nursing, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101.
- b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.
- c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor or offered in mitigation of penalty.

5. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a FINAL ORDER OF DISCIPLINE will be entered.

6. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law

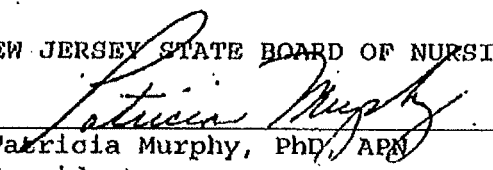
contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.

7. In the event that the Board receives no written request for modification or dismissal within 30 days following entry of this Provisional Order, without further Board review, all referenced preliminary Findings of Fact and Conclusions of Law and all provisional sanctions or penalties imposed by this Order shall automatically become the Final Decision and Order of the Board. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

8. The Board reserves the right to initiate disciplinary proceedings based upon any information that Respondent ultimately provides in response to the letter of inquiry or upon any new information the Board receives.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Murphy, PhD, APRN
President